Canons of Construction

Volume 36, Number 7 The Law Students' Newspaper Feb 14, 2005

Ski Trip 2005; photo by Justyna Herman

Religious Liberty and the Canadian State

Allison Eng (1L)

(Father Raymond de Souza, now a chaplain to Newman House at Queen's University, was before entering priesthood an economist for ten years. Today, he is most known for his regular contributions to the *National Post*).

"The foundation of the law requires the truth to be told …" With that, Father Raymond de Souza's visit to the faculty, on the 28th of January, embarked on its predictable path against the proposed (now tabled) legislation changing the definition of marriage in Canada. While his final destination was unremarkable, the pizza-and-pop-filled journey was certainly interesting, if not tasty, and arguably offered insight for those of us who line the fences.

Fr. de Souza first identified *truth* as being at the heart of law. He then characterized the law as telling a story about the common good, and about changing societal attitudes. As he went back and contemplated the circumstances surrounding the creation of the state, his first assertion was bold but hard to disagree with. He stated that the first *truth* on which the state was premised was that "God is God and we are not." This is reflected in the preamble to the *Charter*, which recognizes the supremacy of God. The importance of this truth is that it sets a limit on the state.

And so, says Fr. de Souza, we have a limited state, which is a good thing because we would otherwise expose ourselves to a monopoly of power that could culminate in full surrender (whether voluntary or not) of our freedom to the state. The *Charter* recognizes the state's limits, and in particular, it recognizes religious freedom as the first fundamental freedom found in s.2(a). Fr. de Souza characterized this as the first zone of freedom, one without which no other limits could be imposed on the state. He observed from history how totalitarian regimes knew that recognizing religious liberty meant that there would be "areas where the state may not go." For example, one must be free to choose one's religion (if you don't like the word 'religion,' replace it with "worldview"). He noted how China, despite releasing control over the economy, has nevertheless remained committed to religious persecution. As the Chinese government still doesn't recognize freedom of conscience and religion, it continues to be able to exert unimpeded control over its people.

Closer to home, Fr. de Souza proceeded to assess the Canadian situation. How is religious liberty doing in Canada? Considering the fact that the state is proceeding to redefine marriage, marriage being a concept that was *not* created by the state, one that has existed for time immemorial, and which is a sacrament of the church, one might understand why a person like Fr. de Souza might be concerned. "The freedom of churches to administer the sacraments… is not granted by statute, for the freedom is not the state's to grant," he wrote in an article. It is not the church who is being imposing, he explains, rather, it is the state who is intruding upon a clearly marked line that is the freedom

...Continued on page 10

International EXPERIENCE

Interning in International Health Law

Joanna Harrington

In a series of articles, Professor Joanna Harrington has presented interviews with law students doing international internships. Here, she interviewed Aaron A. Dhir, now an Assistant Professor at the University of Windsor, but recently an intern at the World Health Organization (WHO) in Geneva. Aaron's experience provides a useful example of interning after gaining some legal work experience.

JH: How was the summer experience in Geneva?

AD: It was a very enriching experience. I was a Research Fellow with the Health and Human Rights Unit at WHO in Geneva. Mainly I worked on a WHO manual pertaining to mental health legislation. This was to assist WHO member states that are seeking to fill a legislative void or are seeking to improve existing legislation. In addition to making specific suggestions of issues that might be addressed in mental health-related legislation, this project entailed research on really interesting topics, including jurisprudence relating to mental disability, societal myths about mental disability, and also legal analysis of the linkages between mental health and human rights.

JH: Sounds very interesting. How did this internship come about?

AD: I left private practice to go to grad school and pursue an academic career. I completed my graduate legal studies at New York University School of Law in 2004 and was awarded an NYU Center for Human Rights and Global Justice Fellowship in International Law and Human Rights.

JH: But Geneva is very expensive. Were you able to afford the two month experience?

AD: Thankfully, the Fellowship included summer funding in the amount of $5,000 USD. Of course, Geneva is a very expensive city, so I had to be careful in accounting for every penny.

JH: What was the most interesting aspect of the experience?

AD: The experience allowed me to be creative and to make suggestions that resonate with my conception of a rights-based approach to mental health law. I've had the privilege of representing numerous psychiatric patients before Ontario's Consent and Capacity Board. This is the statutory tribunal that receives applications relating to involuntary committal, capacity to consent to treatment, capacity to manage one's finances and other mental health issues. One of the real frustrations that I've had in doing that work is with the inadequacies in the governing legislation. I'd often sit and think, "it would just make so much sense if the provision was drafted this way." So I was able to draw on that experience in helping to shape the content of this manual. Yet at the same time, in working on this project, I became acutely aware of the universalist vs. cultural relativist debate and the potential problems associated with a "one size fits all" solution. How a society approaches mental health-related issues is contingent on a number of factors; there is certainly no uniform approach.

JH: What was the least interesting?

AD: Working at the WHO was also frustrating. Frankly, the UN system is a huge bureaucracy and sometimes I felt like the internal structure was actually antithetical to getting things done. The layers that you have to go through to try to advance a position, and the way your position is eventually watered down, was hard for me to get used to.

As a result, I spent a lot of time debating with my friends – over fondue and beer – on the issue of what is the most effective route in terms of reaching your end goal. In other words, is it working from outside the system in the NGO world, or internally, within the UN system? Admittedly, despite the frustrations I just mentioned, the latter route does have certain advantages. For example, in the WHO context, access to the ears of key decision-makers in government, such as Ministers of Heath. This is the sort of direct access that you might not get in the NGO world.

JH: What tips would you recommend for others interested in securing an internship?

AD: I would recommend that students start building a foundation in international law early on by taking courses in the field and undertaking independent research projects on international law issues that interest them. The next step is to then work towards getting your writing published in order to establish a niche for yourself. This is particularly helpful in marketing yourself for internships/fellowships that tend to be quite competitive. In other words, if you can demonstrate that you've already established an area of interest and expertise, you will be able to add value to the host organization, thus making yourself a more attractive candidate.

JH: The WHO was established in 1948 with the goal of attaining for all people the highest possible level of health. WHO defines health broadly as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. Few people realize that WHO has a human rights unit. For further details, see http://www.who.int.

Joanna Harrington is an Associate Professor at the University of Alberta, specializing in international and constitutional law.

Canons of Construction is the official Law Student Newspaper of the University of Alberta Law Faculty. *Canons'* principal objectives are to provide equitable and judicious coverage of issues and events germane to Law Students at the University of Alberta and to provide an open forum for the free exchange and expression of thought, opinions and ideas.

All law students and interested parties in the legal community are encouraged to contribute submissions, provided that contributions are accompanied by name, student number and telephone number. No articles are published anonymously. *Canons* reserves the right to edit submissions for content, length, and legality. *Canons* will not publish materials deemed by the board to be racist, sexist, homophobic or libelous. Ideas and opinions expressed in *Canons* do not necessarily reflect the views of the *Canons* board.

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IL FILES

So You Want to be a Lawyer?

Heather Grab (1L)

Last week at the bar, I was talking with a fairly inebriated individual (to be kind) and it eventually came up that I was in law school. His response: "Oh, so you're training to be a liar, eh?" I got the feeling that he was only half kidding.

This small, generally forgettable exchange was just one of many similar conversations I've had over the past year and a half. I've come to believe that you can tell a lot about someone's experience with the law simply by telling them you are in law school. On a continuum of reactions, most people seem to fall within one of three categories. The first, and most favourable, has someone responding with awe or appreciation at what I have achieved and where my future lies. These are often people who know (good) lawyers or are in a comparable professional field themselves.

The second category includes those who assume you know the answer to every legal question they have regardless of the fact that you just started law school. Now, I may not know whether it is legal for your friend's uncle's cousin to encroach on your friend's land, but I sure can tell you that I have Property Law on Tuesdays and Thursdays in room 237 (or is it Mondays and Wednesdays?). No matter, self-preservation dictates that I at least pretend to know the answer. Now people in this category seem to be indifferent to lawyers in general, seeing them as mere tools for figuring out their legal problems.

The third, and last, category of people is my personal favourite simply because I am almost always surprised at what they are willing to say to my face. Their reactions run the gamut from an eyebrows-lifted "Ooohhhh!" (read: "That's nice but you wouldn't catch me dead doing that!") to a frowning "Why would you want to do that with your life!" (read: "Lawyers are the spawn of the devil!"). Of course, I may just be shooting in the dark here, but I don't think these people have had very fulfilling experiences with the law or lawyers.

Responding to these judgments of my choice to attend law school is a touchy matter indeed. It is an exercise in futility to attempt to defend the legal profession or myself, and, in any case, red-faced confrontational outbursts aren't my style. I've taken, at this point, to reacting with some iteration of the generic smile-and-nod.

I have many versions to choose from – the "I'm taking this as a joke" smile-and-nod, the placating "I understand your feelings but I'm doing it anyway" smile-and-nod, and the tight-lipped "I'm so angry I could spit but I'm going to let you have your say and then never speak to you again" smile-and-nod seem to get the most use.

In the end, however, I need to stop taking people's reactions to my attending law school so personally because, in reality, I don't have much, if anything, to do with their reactions to begin with. Most people's thoughts on lawyers are deeply ingrained, and short of some cataclysmic apocalypse, are unlikely to change. As for the drunken individual I made an example of, I leave it to you to figure out which smile-and-nod he received.

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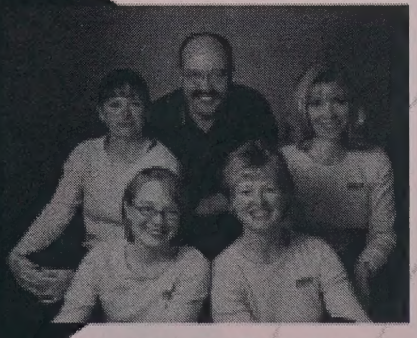

Amy Nixon and Glenys Bakker of Field Law (front row) with their teammates Christine Keshen, Shannon Kleibrink and Coach Daryl Nixon (back row).

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FYI/TIPS

PART II - End Game: Advice for Success from Leading Lawyers

Nav Virk (2L)

Focus: Corporate law, advice for junior lawyers & technology

Continuing from last issue, *Canons* is presenting articles on making a successful transition from the classroom to the boardroom. Lawyers recognized in their fields give personal experiences and insights on success.

About the lawyers:

- **Craig Story** (Stikeman Elliott, Calgary) is recogonized for his excellence in securities and corporate law: Lexpert recently included him in the "Top 40 under 40" list. **[CS]**

- **John Quinn** (Quinn Emanuel Urquhart Oliver & Hedges, Los Angeles) - along with founding and leading one of LA's pre-eminent firms, Quinn is General Counsel of the Academy of Motion Picture Arts and Sciences. **[JQ]**

- **Colin MacDonald** (Borden Ladner Gervais, Calgary) has practiced corporate law and maintained an extensive record of community service over three decades. **[CM]**

Were you given any advice by a senior lawyer in your early years of practice that you can only begin to appreciate now?

[CS] Two general pieces of advice that I recall from earlier in my career are (i) to get a broad base of legal knowledge, and (ii) to read and be informed. I'm not sure if these specifically fall into the category of only being appreciated now, but I think you better realize their benefits as time passes.

In the corporate law and transactional realm, you are likely to become specialized in your practice, but you need to recognize a broad range of legal issues if you are going to manage corporate transactions. While you need not be a securities, tax, pensions or IP expert, for example, you will need to recognize when to call upon that expertise.

With respect to generally being informed, it is certainly helpful to have a "business sense" and generally understand the business and industry in which your clients operate. Not only does it allow you to have a general discussion with your client (or potential client) over a lunch or between meetings, it allows you to generate better, more practical legal advice. Your client is still the one who needs to make the ultimate decision on which alternative or path to take, but if you are able to understand which alternatives are impractical in their industry, it can help identify the practical alternatives earlier in the process.

[JQ] I was fortunate to begin my practice working with excellent attorneys. Some lessons I learned:

(i) Listen, analyze, and then speak.

(ii) Ask questions – it's just more efficient for everyone involved.

(iii) Understand the difference between risk and chance, because there's only one you can control. This may be the most important advice I can pass on.

I remember many of my friends from law school thinking I was crazy when I left to form my own practice. I never doubted myself for a second though, because I knew the risks involved. If that decision was based on chance, I wouldn't be speaking with you today.

Is there one trait that you have consistently found in successful colleagues or clients that you have tried to emulate to become a better lawyer?

[CM] In my experience, one of the most important attributes of successful lawyers is the trust that clients put in their counsel. This trust is built upon quality service, but more importantly it develops because the client relies upon the personal integrity of the lawyer and the knowledge that their file is receiving the best consideration and advice that that lawyer can provide. In addition, the confidence a client has in his or her lawyer is dependent upon the absolute discretion the lawyer exhibits in the handling of the client's personal, commercially sensitive and confidential information. Integrity, honesty, and discretion are all hallmarks of successful lawyers, and those qualities are ones all law students and lawyers need to continue to strive to emulate.

How do you prepare for rapid changes within the legal profession, particularly in the use of technology (electronic research, the Internet, blackberrys)?

[CS] It is often difficult to fully prepare for a specific change until it actually arrives or is on the verge of arriving, but you can be open to change, and I believe that helps you to adapt when new technology arrives.

In the securities area, the various provincial securities commissions have been "reformulating" (i.e. re-drafting) their rules and polices over the last number of years, and there is a continuous stream of new rules to review and understand. Certainly being organized and working as a team with your colleagues to summarize and understand the implications of new rules is very helpful in managing the

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Grad 2005 Survey

Who would you **NOMINATE?**

Justin Pettigrew (3L)

Who would you nominate as being the most likely to end up with their picture on a billboard advertising legal services? For some there are many thoughts that come to mind and for others, the unavoidable thought of "that could be me" or "yeah, that's definitely going to be me!" It has come time to make the nominations, suggestions, and selections for what we like to call the "who is the most likely to…" list.

What we are seeking are nominations of people who you think fit the categories below. Every year there is the inevitable problem of the best method of selecting the "winners" for each category from the graduating class. Therefore, this year we are asking for the assistance of students…okay we are begging you…take a few minutes and fill out the form below thereby ensuring your vote for who you think deserves the honor of being named to "the list". The only requirement is that the nominee be a 3rd year law student. Upon completion, and to ensure registration of your vote, simply drop this sheet into the Canons **Comments Box located in the library**.

On the right are set out a number of categories. In addition, if you feel a category is missing, let us know and we will do our best to include it in the final selection. So please take a few minutes and tell us who you think deserves to be named to the list of graduating students "who is the most likely to…"

I understand that there are a lot of categories and depending on the response, not all of them may make the final list. But please fill out all, some or 1 of the categories as the success of this venture depends entirely on you. As a reminder, after you have made your selections simply drop this sheet in the Canons Comments Box located in the law library. So with that, I leave you to tell us "who is the most likely to…."

1. Most likely to end up with their picture on a billboard

2. Most likely to become a Supreme Court of Canada Judge

3. Most likely to appear the most times in front of the SCC

4. Most likely to first make partner in a law firm

5. Most likely to end up in Hollywood as an actor/actress

6. Most likely to advance in their career based on their looks

7. Most likely to become the first millionaire

8. Most likely to become the Prime Minister of Canada

9. Most likely to become the Premier of Alberta

10. Most likely to file a suit on their own behalf

11. Most likely to be the first held in contempt of Court

12. Most likely to appear on CNN/Celebrity Justice as their legal expert

13. Most likely to be seen on the TV listings channel

14. Most likely to come up with a snappy slogan/phone number (you know the ones)

15. Most likely to become a traffic court judge

16. Most likely to devote their time to pro bono work

17. Most likely to form their own firm (feel free to put a few names here)

18. Most likely to marry for money

19. Most likely to marry for looks

20. Most likely to become a law professor

21. Most likely to retire first

22. Most likely to swear the most in court

23. Most likely to date an articling student when he/she is a partner

24. Most likely to write a textbook and retire on the royalties

25. Most likely to have a legal test named after them (e.g., Oakes test)

26. Most likely to become an international model

27. Most likely to be on a TV commercial

28. Most likely to (your suggestion here)

29. Most likely to (your suggestion here)

30. Most likely to (your suggestion here)

Put your grad survey in the Comments Box in the Law Library

End Game...

...Continued from page 4

changing landscape in which we practice.

While you do not need to be "bleeding-edge" in terms of technology, you should expect to stay up-to-date on technological changes as you start your legal career. That doesn't mean reading technical journals by any means (unless, of course, they are of general interest to you), but it does mean staying informed and incorporating technology that assists you with your practice.

The Internet and web-based research tools allow lawyers, in all types and sizes of law firms, regardless of location, to find and have access to relevant cases, studies and other information and precedents to better serve their clients and address the courts or other regulatory or administrative bodies. It certainly operates to "level the playing field".

E-mail has, obviously, exploded in use over the last ten years, and with the proliferation of hand-held PDAs, especially Blackberrys and similar devices; e-mail is now not just for office use. In my practice area of corporate and securities law, many, if not most, of our clients will also have a Blackberry, and in a transactional practice, it seems to have become the norm rather than the exception.

Technology has the benefit of allowing you to keep informed (and be responsive) when you are not able to be at your desk. The trick is to try to manage that availability.

Lawyers and law firms are in the service business, and clients rightly expect to be able to receive timely and relevant advice when they reach out with a legal issue. With voice-mail and e-mail, clients expect to get a prompt answer from you; in some circles, expectations that a lawyer can provide a well-thought out but instantaneous response to a complex legal question need to be managed. Again, in a large firm or within a network of contacts that you might develop when working at a smaller firm, technology allows you to receive a request, and co-ordinate a response that might require input from other lawyers with specific expertise.

Along with hard work, what can junior lawyers do to earn the respect of senior counsel at their firm or those across the table?

[CM] Successful young lawyers that stand out in a firm are those who come to work each day with an attitude that demonstrates a willingness to learn, a determination to provide the best possible advice and service to a client and a generous respect for clients and fellow colleagues including all support staff in the firm; such respect will earn trust for them in return.

CAREER SERVICES UPDATE

The Career Services Office would like to thank the Articling Committee's Andrea Remington, Suzanne DeBow, Lisa Caines, Malkit Atwal, Christina Cundict, Mike Sharp and Jeff Coles for their involvement in Career Day 2005. Great job! Thank you for all the time and hard work that you put in planning and organizing Career Day at the Crowne Plaza and publishing the Articling Handbook. Firm representatives attending the Day commented on how impressed with they were with your successful event.

The Career Services Office has scheduled a number of seminars in February and March. Mark your calendars!

February 15 - Seminar on Finding Articles and Summer Positions in British Columbia. Room 231 from 12-1p.m.

March 1 – Workshop: Mock Interviews. Please sign up at Career Services. Decore Centre from 12-2p.m.

March 3 – Duncan & Craig is presenting a Seminar on Questions to Ask Firms to Get the Answers You Need. Pizza will be provided. Room 231 from 12-2p.m.

March 10 – Public Law Career Day. 2nd floor hallway from 12-2p.m.

March 15 – Business Etiquette Seminar. Room 231 from 12-1.30p.m.

Career Day a Success Thanks to the Articling Committee

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Canons FODDER

Walter Krawec (3L)

GET DOWN ON ALL FOURS AND BARK LIKE A DOG: It's not just a hazing ritual anymore. It might just be the ticket for fourth-floor types looking to stretch next year's budget. That's because game-show host and animal lover **Bob Barker** is spending part of his fortune to establish endowments at law schools across the United States in the field of animal rights law.

The 81-year old Barker has, for years implored viewers to spay or neuter their pets, spoke to *The New York Times* about his plan to educate a generation of lawyers about his chosen cause. "The laws are not stringent enough, and unfortunately the laws that we do have are not necessarily enforced," Barker told the *Times*. "If we can get more and more young lawyers to be aware of this, then if they're involved in a case that involves animals, they'll know what to do. If they become judges, that's wonderful, they're making decisions...I think it's money well spent."

So far, Barker has created endowments, some in the $1-million range, at a number of law schools, including **Stanford**, **Columbia**, **Duke**, **Harvard** and **UCLA**. No Canadian law schools are on the list, but *Canons Fodder* is certain that if he only had the chance to see it, Barker would melt at the sight of the rabbits constantly hopping by The Gavel's windows (he adores his two pet rabbits) and cut a cheque to the **U of A** right away.

NORTH OF SIXTY: A northern success story may be part of the answer to the Arctic's lawyer shortage. Canada's newest law school, **Akitsiraq**, expects to graduate its 11 students this year as a four-year series of academic terms and work placements begun in 2001 winds down. Akitsiraq students take most of their courses in Nunavut's capital, Iqaluit and have spent time on the campus of the **University of Victoria**, one of the program's partners.

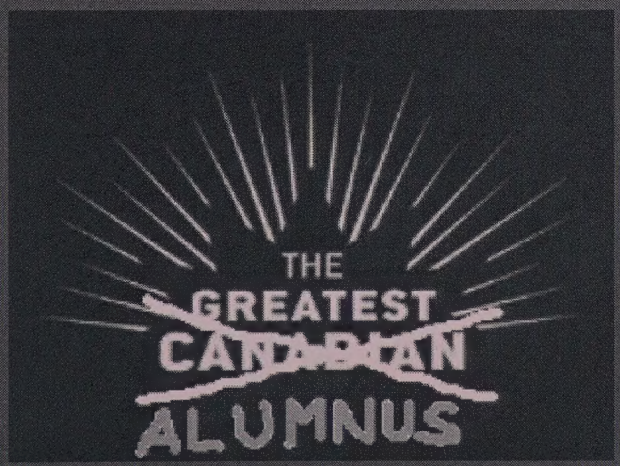
According to UVic's *The Ring*, law professors from across the country have been making the trip to Iqaluit to provide Akitsiraq students with instruction. The curriculum includes the standard law school fare you've come to love, along with courses based on Inuit traditions of justice. Akitsiraq students are already making their presence known, with *The Ring* reporting that one of the soon-to-be graduates will be clerking next year with new Supreme Court of Canada Justice, **Louise Charron**.

A distinctive feature of the Akitsiraq program is the fact that students have their tuition fees and costs covered through sponsor subsidies. In exchange for the subsidies, graduates commit to spending at least two years working for a sponsor, or four years working in Nunavut. No plans to continue the program beyond this year have been announced.

TOO LEGIT: If you're having a tough time reconciling your plans to practice IP law with that sketchy copy of **MS Office** you're using on your laptop, you may want to consider an alternative. **OpenOffice** is a remarkably powerful office suite that works very much like MS Office. It's certainly capable of handling the day-to-day work most of us throw at it. Best of all, OpenOffice is open source software (translation: it's free). Stick it to the man and give it a try at www.openoffice.org.

CAMPBELL? McLACHLIN? LOUGHEED? COUTTS?

THE DEBATE BEGINS...



FIND OUT WHO MAKES THE CUT IN OUR NEXT ISSUE

Canons of Construction

The Law Students' Newspaper

Law Girl: Andrea Remington

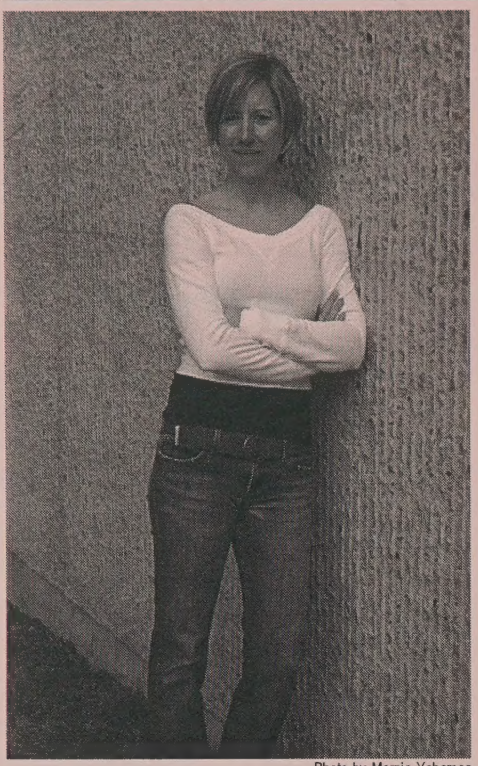


Photo by Marnie Yohemas

Hometown: Calgary
Sign: Pisces

If you were stranded on an island which CD would you want with you? I'd borrow one of Mcgee's Ben Harper CD's.

What's the one book you would take with you on a flight around the world? The *Who's Who*.

The one TV show you wouldn't even miss during final exams? I don't watch TV during final exams… I go out instead with other serious students.

The one movie you would pay twice to see at the expensive theatre? I'd have to ask my movie consultant, Zuk, but I'd think he'd suggest *The Guru*.

The place you'll most likely travel to when finished school? Back to my parent's house… after a 10 year hiatus, I probably still won't have a promising job.

If you could chill anywhere, would you pick the beach or the mountains? Beach, if I could scuba dive or surf.

Favourite thing to do when NOT studying? Working on my skillz... bowstaff skills.

If money was no object what would be the first thing you would buy? My school books.

Pub or Martini Bar? Pub… I don't drink Martinis.

Law Guy: John E. McGee

Hometown: Ottawa
Sign: I'm a bunny!
Undergrad Studies: Sociology at the U of A, Communications at the U of C and Bartending at Fine Art.

If you were stranded on an island which CD would you want with you? Celine Dion – I'd throw coconuts at her for sport.

What's the one book you would take with you on a flight around the world? I'd steal Inman's chequebook or his little black book (empty).

The one TV show you wouldn't even miss during final exams? I wouldn't miss any of them – tv blows. But if I was forced, I guess the fireplace channel would suffice.

The one movie you would pay twice to see at the expensive theatre? The one starring devastatingly handsome Dan Medd and Pinky, but I think it was relegated to the discount beta bin upon release.

The place you'll most likely travel to when finished school? I plan to make a quick trip from a stool to the floor at Scholar's.

If you could chill anywhere, would you pick the beach or the mountains? I plan to practice on a secluded island in the Pacific with a friend of mine who looks killer in a bikini - so I guess the beach is my answer.

Favorite thing to do when NOT studying? Holding hands, long walks on the beach in the moonlight, Danielle Steele novels, listening to Kenny G… (same answer as my lavalife profile).

If money was no object what would be the first thing you would buy? Ryan's sense of humour – oh wait, he won't think that's funny.

Pub or Martini Bar? Neither, I don't drink.

Photo by Marnie Yohemas

Law Girl/Law Guy by Marnie Yohemas (2L)

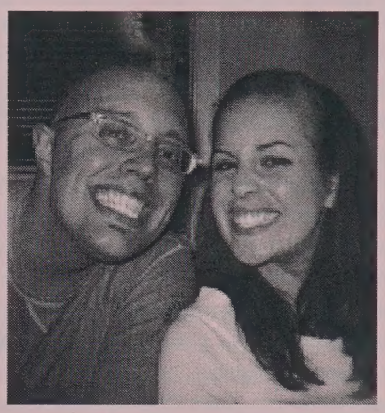
Ski Trip

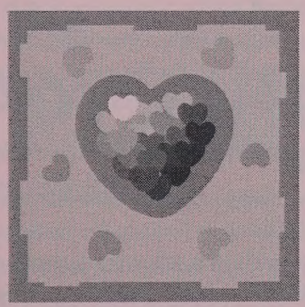
Photo by Sally Steeves

Photo by Mark Hamilton

Photo by Mark Hamilton

Photo by Tara Thomson





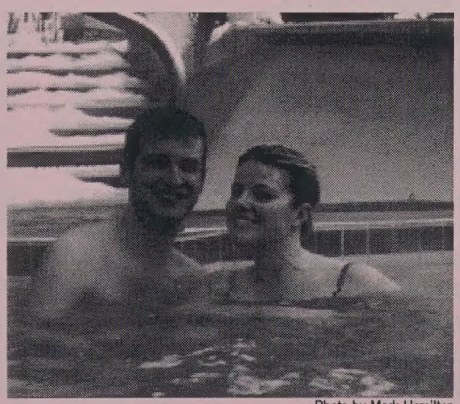


Photo by Mark Hamilton

Photo by Tara Thomson

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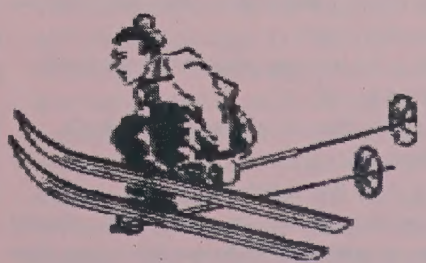


General MALFEASANCE

Matt Vernon (2L)

Valentine's Day Quiz

Maybe you've found that special someone by now, and are reading this with a smug sense of security, content with your romantic lot in life. The love of your life might be right here in the law school, elsewhere on campus, or maybe you'll be calling him or her over the phone tonight, accompanied by the dulcimer strains of an automated lady welcoming you to long distance charges. And of course, in the alternative to any of that, you might be totally and bitterly alone in a sea of rejection, groping about you for a lone life-preserver of love. In any event, it's Valentine's day! If you can wrangle yourself a few spare moments between dodging arrows and entwining yourself in the day's romantic intrigues, we here at General Malfeasance have devised a little quiz that might just tell you a little something about yourself, romantically speaking.

1) What is it, exactly, that you look for in a romantic co-conspirator?

a) Bright eyes and a great smile.
b) Quick wit and a sense of humour.
c) Unconditionally low standards.
d) Big casebooks.

2) How would you describe yourself?

a) Tall, dark, and mysterious.
b) Easygoing, outgoing, and approachable.
c) Poorly.
d) An aspiring Tax lawyer.

3) When you first approach someone you find attractive, you are:

a) Totally comfortable: either they'll like me or they won't.
b) A bit nervous: what if I don't know what to say?
c) A bit distant: so long as they don't think I like them...
d) More than a little drunk.

4) Looking back on your most recent romantic outing, how do you think your date would most likely have summed you up?

a) Mandamus.
b) Intra Vires
c) Ultra Vires
d) De Minimis

5) Can you dance?

a) Like an angel on a cloud.
b) I've got the right moves.
c) I'm nothing special, but I don't embarrass myself.
d) Can a non-resident be taxed on employment income? Totally!

6) When you see a couple holding hands, gazing into one another's eyes, and professing their undying love, you:

a) Sigh. How romantic!
b) Sigh. Why couldn't that be me?
c) Frown. That's nauseating, and it won't last.
d) Don't even notice. These Corporate Securities cases aren't going to read themselves!

7) It's a special occasion, and you're quoting a passage from beneath your darling's window. You're reading:

a) Shakespeare.
b) Bon Jovi lyrics.
c) Margaret Atwood.
d) Iacobucci J.

8) Ultimately, your relationships are always like practicing:

a) At a huge firm in Toronto: intense and all consuming.
b) With the government: well balanced and entirely rewarding.
c) With a personal injury firm: premised on the suffering of others.
d) Solitaire.

So how did you do?

Mostly A's: Don Juan De Novo.

You're all about the romance. You have a clear idea of what you want, and it's a pretty picture. Your dedication to the ideal prompts you to fall pretty hard when you think you've landed the 'big one', however. Love tends to find you like sledgehammers find watermelons; it's messy, but spectacular.

Mostly B's: The guy / girl next door.

You're level-headed, fun and casual in your relationships. People feel comfortable around you, and there are rarely a lot of bumps in the road. You might, however, want to pull out the stops tonight and wow that special someone; maybe you've been a touch too comfortable lately? Nobody likes being an old shoe.

Mostly C's: The cynic.

You're just too cool for love. You've seen it come and go too many times to put much stock in it, and you might even question if it's actually real. You may even be right. And hey, when you're old, decrepit and utterly alone, you can take solace in the fact that you never once suffered rejection at the hands of someone you cared about. I'm sure it'll be vindicating.

Mostly D's: Hopeless.

One has to wonder why you took a test about love and your prospects thereof; it's surprising you even have a working knowledge of what the word means. At any rate, if you've made it this far, being the way you are hasn't killed you yet so I suppose you might as well just stick with it. On the plus side, you'll never know what you're missing!

Religious Liberty...

...Continued from page 1

of conscience and religion. And when it comes to administering the sacrament of matrimony, the lip-service which clergymen have been given, that they will not be required to marry same sex couples, lacks weight when one contemplates scenarios such as whether the Catholic church may decline requests from same sex couples to use the Knights of Columbus Hall for their ceremony.

After citing relevant cases that have eroded religious liberty in Canada, Fr. de Souza left his audience with two sobering thoughts. First, he fears that the state's ambition to extend its authority into the realm of religious freedom has become a "thinly disguised totalitarianism," a phrase he adopted from the Pope in *Centesimus Annus*: "As history demonstrates, a democracy without values easily turns into open or thinly disguised totalitarianism." Second, he addressed the notion that allowing same sex marriage was a slippery slope leading to all sorts of variations of marriage. No, he replied, this is not the beginning of a myriad of marriage-related issues that lie ahead; rather, we have come to the end of the institution of marriage.

I'm not sure whether it was the greasy pizza, Father Ray's message, or a combination of both that made my stomach churn the way it did.

HOROSCOPE

Aries: Make your move today; everything's perfectly in place, and there's no time like the present. What's the worst thing that could happen? Someone saying 'no', humiliating you in front of your peers and then waving your pain through the air like the pennant of a victorious army as it stands over the shattered remnants of your heart? Well, technically, yes. Go get em!

Taurus: Ah, a bottle of wine, a loaf of bread, and the Fundamentals of Canadian Income Tax. The stars suggest making that in-school move you've been thinking about; romance is in the air, and nothing gets the blood flowing like the sale of taxable Canadian property by a non-resident. Being liable for 25% of the sale price is hot!

Gemini: You know, it's high time to start thinking about settling down and starting a family. We're all waiting for the pitter-patter of little feet, and you're not getting any younger. If you keep hitting the snooze button on your biological clock, it's going to shut off all together and you'll wind up sleeping in and being late for the rest of your life.

Cancer: The stars predict big things for you today: if you've been steeling your nerves to talk to someone special, the cosmos are on your side. If you haven't, then think of someone pretty quickly: the stars aren't going to sit around waiting for you to make up your mind. Time is money, bucko. You know, places to be, lovers to cross.

Leo: Someone you work with in a professional capacity is harbouring some less-than-professional thoughts about you. If you're confident as to who that might be, it might be time to 'leverage some synergies'. Be careful not to attempt a merger with the wrong person though, or you'll be sporting a stylish new sexual harassment suit.

Virgo: You've been falling into a bit of a romantic rut lately. You might want to try spicing things up a little. Get a haircut, buy some flowers, maybe try talking to a girl. That might help.

Libra: Try setting out some candles, dimming the lights, putting on some soft music and finally opening that Administrative Law casebook. Seriously, you can be as suave or charming as you like, but when you're in your ninth year of law school you're going to start looking a lot less appealing.

Scorpio: It's high time you changed that look of yours: the stars mandate the need for a serious makeover. There was pretty well an entire outfit worth of swag to be had at the career fair: you'd look like a fully sponsored professional athlete if you wore it all at once!

Sagittarius: The third person to talk to you after you read this has a serious crush on you. The fourth person doesn't like you very much, and I'd think twice before lending the fifth person any money. The rest of the people on the list don't matter much, but look out for sixteen: she'll spit when she talks.

Capricorn: Oh, to be that most forgettable of signs. Well, there's someone out there that hasn't forgotten you: today might be a day to rekindle an old flame that's still slightly smouldering. And hey, if it doesn't work out, you've dumped him before: you'll be even better at it next time!

Aquarius: That special someone you'd long since given up on is thinking about you this week. Either the fates are smiling on you, or that rock cod you left in their locker for revenge is starting to draw their attention. Either way, it'd be best to prepare yourself.

Pisces: This'll be a pretty good week for you in terms of romance. The stars predict you'll only get shot down twice, suffer one broken heart and face-slappings will hover around a minimal three to five. Hey, you've had worse. Hang in there, tiger!

In the SPOTLIGHT

Chris Stolfa (2L)

Enviro-nomics Law?

What compels an associate professor at George Washington University Law School in Washington, D.C. to move across the continent into Canada to teach at UBC? If you guessed the weather you may be partially correct, but there's more to it than that. Shi-Ling Hsu claims the Canadian acceptance of differing ideas and the laid back atmosphere of the Canadian West are what drew him north.

Shi-Ling says that Canadian students have been very receptive to his uncommon fusion of economics and environmental law. He believes that no one baulks at this unorthodox combination in Canada because there are no overriding notions of how environmental law ought to be conceived or practised. As a result, a wider range of arguments are allowed to enter into the Canadian discourse on environmental issues than in the U.S.

Economics and environmental law appear to be strange bedfellows, but it is not surprising that Shi-Ling's research has moved in this direction given that his academic path has led to degrees in engineering, law, ecology, as well as agriculture and resource economics. While this background explains his academic focus, Shi-Ling believes that hiking first drew him to environmentalism. As for environmental law, Shi-Ling asserts that it is such a compelling area of law that once you start studying environmental law it is easy to get hooked.

Although Shi-Ling has lived in the U.S. until last summer, he has longed to return to the easy pace of the Canadian West ever since his conception in Saskatoon. He claims the more relaxed attitude and smaller number of people provide amazing opportunities for Canadians to influence the community around them. Government officials are relatively accessible and new ideas can be spread though the populace. Shi-Ling was impressed to learn that Canada's top environmental advocate, David Suzuki, is able to meet with Prime Minister Paul Martin.

Shi-Ling Hsu took the opportunity to share his ideas with U of A students when he delivered his paper entitled "Fairness Versus Efficiency in Environmental Law" here, at the Faculty of Law.

As the title of his paper suggests Shi-Ling draws a distinction between fairness thinking and efficiency thinking. To explain the distinction he analogized it to pie making. Fairness thinking is concerned with carefully slicing the pie into equal pieces. In terms of environmental law, slicing the pie equally means that no one is disproportionately penalized in the pursuit of environmental concerns. Fairness thinking is characteristic of the roles of lawyers in environmental law. Lawyers are concerned with

...Continued on page 12

LSA UPDATE

VP EXTERNAL

Tara Thompson (3L)

Upcoming Referendum May Pose Some Contentious Issues

It's February and the SU Executive Elections are just around the corner, and hey, what's an election without some exciting and contentious issues? There will be a couple of important referendum questions on the ballot that all law students should be interested in.

The first is a proposal for an undergraduate health care plan. The plan will be at a cost of around $114 per student, per year, for 12 months of coverage. There will be NO opt-out for students that cannot show comparable coverage as outlined in the contract. This is an important issue and $114 in extra tuition a year should make all of us stand up and pay attention. The SU has been in negotiations with Studentcare.net/works and has reached a conditional contract dependant on the outcome of the upcoming referendum.

The second is a plebiscite that's fast becoming a serious point of contention. The University plans to build a new $25-30 million dollar fitness and lifestyle centre, new ice arena, new gym, outdoor sports park, a modernized Clare Drake Arena with renovations to locker rooms and other Van Vliet Centre facilities. You may be saying "wow that's great", but as we all know everything comes at a price and this one is going to cost you around $35 a year, in addition to the amount you already pay in Athletic fees. This new mandatory non-academic fee is set to start paying off a $20 million loan the University will be taking from the provincial government to fund the project. In essence, the University expects the undergraduate student body to shoulder the majority of the capital expenses for the next 30 years or until the loan is paid off. Yes folks, that means your kids will be paying for it too. These issues will have a big impact on your next tuition statement so vote!

For those of you looking for something a little less 'political' and want to unwind and partake in a little dress-up before the spring break, the Annual Carbolic Smoke Ball is on February 17, 2005. This is a great event for all and tickets include a delicious dinner followed by a little (ok, a lot) of dancing.

A few of the features of Carbolic include the much-anticipated 1L, 2L, 3L and LSA videos as well as the Most Involved Professor Award. This award was renamed last year as the Professor Hopp Award in honour of Professor Hopp's undying dedication to student life within the faculty. The award is given on behalf of the students to the Professor that has shown the most student involvement within the faculty. The esteemed candidates this year include Professor Brown, Professor Sprysak and Professor Stribopolous. You can vote for your favourite candidate when you pick up your tickets.

So here are the details; Carbolic is being held at the Crowne Plaza, 10111 Bellamy Hill; cocktails will be at 6:00, dinner at 7:00 with a dance to follow at 9:00. The ticket prices are as follows: $45 for LSA members; $50 for non-LSA members; and if you just want to come for the dance the tickets will be $10. The tables are set for 8 people so have the names of those you want to sit with when you buy your tickets. If you see Marnie or Jeff (our 2 very hardworking VP Socials) you can get tickets from them. There are special room rates at the Crowne Plaza for Law Students so when you make reservations let them know who you are.

Last but not least, the LSA would like to thank all of those Faculty members who have been kind enough to reschedule classes and assignments to accommodate those attending Carbolic and Law Show. We all appreciate your generous flexibility and are grateful for your support in helping the students to create the dynamic, exciting school environment our Faculty is so well known for.

Enviro-nomics...

...Continued from page 11

obtaining a fair solution for clients. Efficiency, however, is concerned with baking the biggest pie possible. In terms of environmental law, the biggest pie means halting environmental degradation as much as possible. Efficiency thinking is characteristic of economists. The goal of efficiency thinking is to achieve the maximum possible reduction in environmental harm.

According to Shi-Ling, the environmental law debate has lately been dominated by fairness thinking to the detriment of the environment, and those who live within the environment. Fairness concerns have led to extensive debates on who should suffer possible losses in the implementation of environmental regulation. What has been ignored in this debate is the overall loss to everyone when environmental regulations are insufficiently implemented. Economic tools, such as cost/benefit analysis and quantitative analysis should be used to provide parameters for fairness debates.

All this is not to say that there is no place for fairness thinking in environmental law. The effect of complete domination by efficiency thinkers would be indifference towards the social effects of environmental regulation. However, Shi-Ling believes that if we continue to allow environmental quality to be eroded in the name of fairness we will all pay in the end.

To learn more about Shi-Ling's ideas, visit his website at http://faculty.law.ubc.ca/hsu/.

Want to get involved with *Canons*?
Come out to our next meeting:

Wed, Feb. 16, 2005
Canons/Law Show room
(in the locker room)
Time: noon

Proust INTERVIEW

with Professor Peter Carver

Get to Know Your Professors

Justyna Herman (2L)

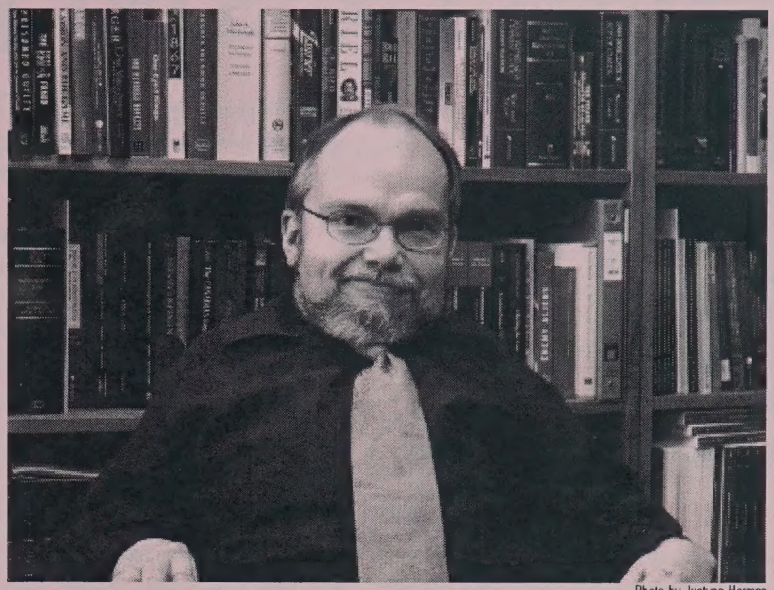


Photo by Justyna Herman

Professor Carver teaches Constitutional Law, Administrative Law and Immigration Law.

What do you consider your greatest achievement? A week ago I would have said finishing the marking of Christmas exams. I look forward to having the thrill of a similar accomplishment later this year. Other things that make me feel good when I think about them are having traveled to a number of places I wanted to see and being happily married (you never know who's going to read these things). In terms of law, I like to think I was responsible for telling a few people that they should intervene at the Supreme Court in the *Andrews* case, a then little-noticed B.C. case about the right of non-citizens to practice law. It turned out to be the first and still one of the most important cases on Charter equality rights, in large part because of the intervenors.

What is your most treasured possession? Time.

What is your greatest extravagance? Spending time self-indulgently. To do this without guilt is a luxury. See the next question.

What is your idea of perfect happiness? It has something to do with sitting in a baseball park on a sunny day. To be perfect, I'm afraid it needs to be a major league park. If you have doubts that this can produce perfect happiness, read *A Day in the Bleachers* by Arnold Hano.

What do you consider the most overrated virtue? Walking and chewing gum at the same time.

What is the quality you most like in a man? What I like most about men is that with few and admirable exceptions, they speak the *lingua franca* of sports and sports trivia. This permits conversation between them to occur.

What is the quality you most like in a woman? With few and admirable exceptions, they neither speak nor have any interest in sports or sports trivia. This permits them to frequently engage in meaningful conversation.

Which living person do you most admire? David Percy. If and when I get tenure, I expect it will become Nelson Mandela.

Which historical figure do you most identify with? It would be nice to say Abraham Lincoln or Winston Churchill. However, I can't help identifying with people like Neville Chamberlain. Well-meaning people who are famous for getting it wrong, completely wrong. Call it fear of retrospective world-scale failure.

Who are your favourite writers? If you like dry wit, acute characterization, a political setting and enjoy having the same book around for weeks or months, it's hard to beat Anthony Trollope. Nadine Gordimer. David Lodge has written the funniest academic-life novels I've ever read. And Bob Dylan. His autobiography, *Chronicles: Volume 1* was one of the great joys of the last few months: it proved there's been a writer's mind and soul behind the poetry all these years and that it didn't just come pouring out from some unconscious force of nature.

Who are your favourite musicians? Have I mentioned Bob Dylan? Van Morrison and Emmylou Harris. This doesn't date me, does it? I do like some contemporary Canadian artists. William Shatner, for instance.

Who are your favourite filmmakers? The Coen Brothers and John Sayles. I'd forgotten how good and powerful Spike Lee's films can be until I saw *The 25th Hour* about a month ago. Every third Woody Allen film is a neo-masterpiece. I thought Guy Maddin's *Saddest Music in the World* was witty and extraordinarily inventive.

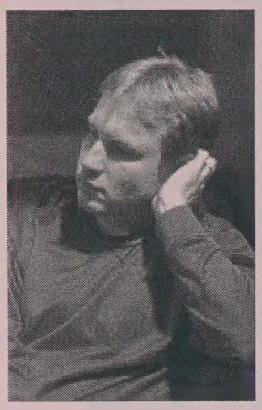
Who are your favorite actresses? Julie Delpy in *Before Sunset*. And I need to know: whatever happened to Helen Hunt and Calista Flockhart?

What was the last book you read? I like history, and have just finished reading *King Leopold's Ghost* by Adam Hochschild, about what he calls the modern world's first human rights movement, in response to the holocaust in the Belgian Congo around 1900. A disturbing story, but with a cast of fascinating characters. Also, *Absolute Friends*, by John Le Carre. I think he provides a real insight: that people on both the political left and right failed to learn anything much from the end of the Cold War.

Which words or phrases do you most overuse? "I don't know." "I'm sorry for not getting back to you sooner." "You, you in the back row, what are you laughing about?"

What talent would you most like to have? Playing blues or folk harmonica.

Bowman's BANTER SPORTS



Cam Bowman (2L)

Super Bowl Questions? We've got Super Bowl Answers!

There is one sporting event that is such a huge cultural phenomenon that many people, regardless of whether or not they are sports fans, take an afternoon off and sit down with their friends to watch. I am talking, of course, about the Rock-Paper-Scissors World Championship. But since that is not until next November, I will instead fill up space by talking about something else you may have heard about: the Super Bowl.

As I said before, there are many among you who will watch the game and would probably not consider yourselves football fans. Thus, many of you have probably wondered about some of the game's subtleties while watching, but have been too afraid to ask, because, as we all know - despite what the profs say - there *are* stupid questions, and when you ask one everyone *hates* you. Anyway, here are the answers to every question you've ever had about the Super Bowl:

Q: **Why is it called the Super Bowl?**

A: The name was not brought in until the 3rd Super Bowl, held in 1968. Before that the game was known by the somewhat mundane name "The AFL/NFL World Championship Game". Apparently the then-owner of the Kansas City Chiefs, Lamar Hunt, coined the term after he saw his daughter playing with a rubber ball which was called a 'Super Ball'. Huh. The things you can learn on Google.

Q: **How come Janet Jackson is not doing this year's half-time show?**

A: I think it had something to do with a 'wardrobe malfunction'.

Q: **When some guy kicked the ball through the yellow posts and the announcer said he got three points I yelled 'Hat Trick' and everyone looked at me funny. How come?**

A: No idea. The people you were watching it with must not know very much about football. Don't let that discourage you though; keep that phrase in your repertoire for next year.

Q: How come rugby players play an equally tough game - if not tougher - without *any* equipment, and these guys have to have all that padding? Are rugby players just that much *tougher* than football players?

A: Yes - especially the rugby players in law school.

Q: **When you kick a field goal, it is really laces out?**

A: Yes. Ray Finckle got a bum rap. Laces out, Dan! (Highly topical Ace Ventura reference). Just so you know; this has nothing to do with how the kicker's shoes should be tied. It refers to the fact that the laces on the football should be facing away from the kicker when he kicks it.

Q: **Everyone knows that the only reason people watch the game is to see the commercials. Why don't we just get rid of the game and have a three hour long commercial break?**

A: I think you might be onto something. I'm pretty sure that the Super Bowl must be one of the only events on television where people actually get disappointed when the program comes back on, since it's interrupting the commercials. That brings me to a good hint for a fun drinking game: have one drink for every erectile dysfunction commercial – you won't be able to remember the second half!

Anyway, hope you enjoyed the game, and that this little guide was useful in answering all those questions that you always wanted to know, but were afraid to ask.

Clubs UPDATE

Alex Yiu (2L)

International Humanitarian Law in Times of War and Armed Conflict

On February 1, 2005, the U of A International Law Society hosted a lecture entitled "The Role of Humanitarian Law and the Millenium Development Goals" in collaboration with International Week events on the U of A campus.

This year's speakers included Dr. Tom Keating, a professor in the Department of Political Science, Mr. Brian Murphy, a military law professor at the U of A and lawyer with Veterans Affairs Canada, and Mr. Dennis Edney, an Edmonton lawyer currently representing Omar Khadr in Guantanamo Bay. Among the topics discussed were the changing face of international humanitarian law in times of armed conflict and war, as well as the role of the military and rule of law in relation to the legal status of individuals currently being detained in Guantanamo Bay.

One of the most engaging moments of the lecture occurred during Mr. Edney's reading of a letter that he wrote on behalf of Khadr to the Minister of Foreign Affairs, the Honourable Pierre Pettigrew. In it, Edney outlined the legal arguments surrounding his client's detention in Guantanamo Bay, as well as his growing concern with the federal government's lack of response in providing legal and consular access to Khadr. Khadr, who is accused of killing an American soldier in Afghanistan with a grenade, has been detained in Guantanamo Bay for three years and is now an adult. His situation represents many at Guantanamo Bay who have become trapped in a "legal black hole"; because the Cuban military base is leased by the American government, it argues that American laws do not apply extraterritorially. Mr. Edney and his co-counsel have been fighting at the Federal Court of Canada and the U.S. Supreme Court to ensure that Khadr's legal rights are protected under international human rights law as well as the Canadian Charter of Rights and Freedoms.

Thanks to everyone for coming out to the lecture and we hope to see you at next year's event!

Valentine's Day MESSAGES

Happy Valentine's Day to the one who has made the past month so great.
The laughs, fun and closeness I am to this moment smiling about,
You are incredible in so many ways, it was always great with you, whether at your dad's factory or in Godrey or in the library.
I hope that you know that if you ever get locked out of GOP Industries on a cold, dark December night, I will be there for you, coz you're like — ULTRA to me.
You can be assured that you will always have jurisdiction over me baby, and there are still so many more water! slide techniques I have to show you.
You You You are the theme song that is playing forever in my heart
you are my "Razom Nas Bahato!"
XOXOXO
your La-Z-Boy

To **Adam S.**: Be mine you gorgeous stallion. XOXO B.W.

To Megan Chorlton: I can be your hero, baby.
Love, P.T.

To Sean Myskiw: Change my water and I'll love you forever. Love, Bob.

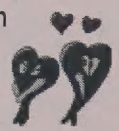
To Rob Collier: On the night we met, I felt a weakness in my knees... You make me feel forever young. Agnes

To Dean H: I want to make the most handsome babies in the world with you. Z.S.

To **Stephen P.**: You're HOT!

To **Professor Klar**: I love your sense of humour!

Happy Valentine's Day to you, uhm, Alexis S. oh, no that's to obvious, uhm, to you A. Snowdon...yeah that's better... thanks for all your time and attention and inspiration. You are one wonderful gal, so talented and caring and brilliant really. I enjoyed all the time with you and hope you have a wonderful day - everyday. From your admirer for sure, of that there can be no doubt, you are one of a kind!!!
XOXOXO
B. Richard Chainey



CATHEDRAL

When you placed upon my hand that day
Those cares and curves and curls
I became the air around you then
Which your brow did kiss in linen furrows.

And when you drooped like the meadow's edge
I tumbled a breeze to keep closed your eyes
Under the silk screen of your breath I slid
Called deep within by your tapered sighs.

You kept somehow, within your breast
For me, a summer midnight hour
Though hushed my strength to nil I thought
You bent still repose to my quiet power.

The calmness held; and so I slept
By a pool and was renewed
Shimmering in the vaulted heights a star
Flashed bold – then suddenly subdued.

I carried forth, as if by summons
To a doorway cloaked and shadowed
A bell tolled lowly at my entry
Ominous –– unechoed.

* * * * *

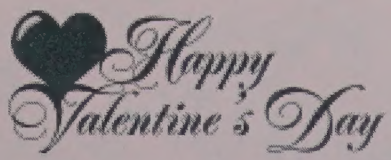
The cathedral of your bones did shake
As I passed by its marbled throne
The veil of your soul did rise
To behold the hero of its own.

And they did wait these many years
Your blood, your bones, your hollow
How all did tremble at the gate

Alive at last, and keen to follow.

But where were you? I did not See
Not at your altar, where garlands I hung
And so from this cave I stole away – a Thief
Of All that you cannot Love or Feel –
O! How the Cathedral of your Bones did weep.

C D C Martin



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